



ORU – Evidence Gathering Teams (EGT) Course Session Plan

Program Name: <i>Public Order Evidence Gathering Teams (EGTs) Course</i>	
Centre of Learning/Unit (Session Owner): <i>Operations Support Division</i>	Centre of Learning/Unit (Session Deliverer): <i>Operations Response Unit</i>
Session Name: <i>Public Order Legislation</i>	
Session Duration: <i>50 mins</i>	Session ID: <i>Session Four</i>
Delivery Location: ☐ Academy ☒ Other (specify):	
Author Name: 33(1)	V or VP Number: 33(1)
Aim: To provide learners with the knowledge and skills required to understand how public order legislation applies to the evidence gathering role.	
Learning Outcomes: On successful completion of this session, learners should be able to: - Identify relevant legislation and policy in relation to Police and the EG role	
Resources/Equipment: - Classroom - Computer with mainframe access and MS PowerPoint - Overhead Projector and screen - Seating for all learners - Table or chairs with writing pad - One trainer - Learners in dress of the day - Writing Pad - "Public Order Legislation" PowerPoint	
Pre-session Preparation: OHS Inspection of the training facility completed ☒ Yes ☐ No	
Comments: - Risk Assessment in place for the venue and checked - Health and Safety Check of the working area – Suitable for session - All trainers are first aid qualified	

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ORU – Evidence Gathering Teams (EGT) Course Session Plan

- Location of First Aid kits have been identified

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31(1)(d)

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Delivery Method	Content	Delivery Resources	Time
Face to Face	During Knowledge Checks and De-briefs consideration should be given to utilising open style of questioning (Who, Why, What, Where, When, How) and Experiential Learning Cycle (ELC) to facilitate learning. Learners should be encouraged to ask questions at relevant times throughout the session. Trainers to meet and greet learners in the classroom. Trainers to make visual check to ensure all officers have appropriate resources (Writing Pad / Pen). Introduction Trainer will introduce themselves and the session Maslow - Trainer will go through relevant points from risk assessment, emergency evacuation procedures, location of first aid kits, welfare etc. (if required) Gestalt - Route map of session outlining Aim and Objectives. Knowledge Check - to cover overall subject to ascertain learner's levels of Knowledge / Experience. Open style of questioning (Who, Why, What, Where, When, How).		5 mins
Group Discussion	Trainer is to present the Power Point titled "<i>Public Order Legislation</i>" to the learners. Trainer is conduct a knowledge check at the start of every slide and generate	"Public Order Legislation" PowerPoint	40 mins

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	discussion by using open style questioning (5wh) to prompt involvement from learners. <u>SLIDE 1</u> Cover slide <i>Trainers should ask learners what types of legislation they believe relates to the EG role. Trainers should encourage discussion and use the remainder of the lesson to clarify legislation and explain its use.</i> <u>SLIDE 2</u> Use of Force A person may Use such force not disproportionate to the objective as he/she BORG to be necessary to – • prevent the commission, continuance or completion of an indictable offence; or • to effect or assist in effecting the lawful arrest of a person committing or suspected of committing any offence.		
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Page 4 of 15

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ORU – Evidence Gathering Teams (EGT) Course Session Plan

SLIDE 3

Indictable Offences

Discuss what type of indictable offences could occur during EG deployments and what learners should look for when deployed. This is not an exhaustive list and learners will be expected to use this as a guide only.

SLIDE 4-6

Breach of the Peace – Common Law

- Whenever harm is actually done or sought to be done to a person or in his presence to his property or a person is in fear of being so harmed through an assault, an affray, a riot, unlawful assembly or other disturbance”

(R v Howell [1981] 3 All ER 383)

- BoP is not a criminal offence – cannot arrest a person for BoP.
 - Breach of Peace must be imminent or actually occurring
 - Power to detain or remove persons – metres and minutes, not kilometres and hours.
 - Power to remove items (temporarily)
 - Power to give directions (protest from given location, cease activity, etc)

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	• <u>No explicit power to use force, however can do what is reasonable to prevent BoP from occurring or continuing. Entire context to be considered</u> • BoP works with the co-operation of the person. No cooperation – consider resist/hinder EW. <u>SLIDE 7</u> Video One short videos of a public order event, Trainers will discuss each event and how an EG could be applied to the situations. Video 1 – Richmond Town Hall (March 2015) <u>SLIDE 8</u> Summary Offences Act - Move On Powers <u>Section 6 - Direction by police to move on</u> (1) MOPF may give a direction to a person/s in a public place to leave public place (or part of public place) If the member suspects on reasonable grounds that—		
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Page 6 of 15

OFFICIAL: Sensitive



ORU – Evidence Gathering Teams (EGT) Course Session Plan

	• The person/s are breaching, or are likely to breach the peace s6(1)(a) • The person/s are endangering, or are likely to endanger, the safety of any other person s6(1)(b) • The behaviour of the person/s is likely to cause injury to a person or damage to property or is otherwise a risk to public safety s6(1)(c) (2) – Direction may be given orally (3) Direction to not return to the public place for up to 24 hours <u>SLIDE 9</u> Restrictions (5) This section does not apply in relation to a person who, whether in the company of other persons or not, is— • (a) picketing a place of employment; or • (b) demonstrating or protesting about a particular issue; or • (c) speaking, bearing or otherwise identifying with a banner, placard or sign or otherwise behaving in a way that is apparently intended to publicise the person's view about a particular issue. <u>SLIDE 10</u> Trainers should discuss common offences • Obstruct roadway		
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File location:

31(1)(d)

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Page 7 of 15

OFFICIAL: Sensitive



ORU – Evidence Gathering Teams (EGT) Course Session Plan

- Criminal/wilful damage
- Weapons offences
- Resist/hinder
- Lock-ons/trespass/besetting premises
- Offensive language/threatening words etc
- Summary and indictable assaults
- Affray
- Cruelty to animals – police horses
- And so on.

SLIDE 11-12

Trainers should ask Learners what they think of this image from the point of view as a Police officer and an EG.

What can learners see in the image depicted
Have there been any offences committed?
Would you film this if it was happening?
What has been used on the building?
Have you seen something like this at previous events?

After the discussion slide 12 should be shown to the EGs regarding 'Mark Graffiti'.
Demonstrate the importance of knowing common offences and how this could hinder or increase the usefulness of EGs during a deployment.

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	<u>SLIDE 13-14</u> Risks and Issues Trainers will explain the role of the EG in relation to any perceived risks and issues and also these events without the presence of EG's. The image shown is of one of the protesters thanking a Sgt for attending the event in relation to Police presence and public safety. The image was used shortly after on social media to portray the Police member siding with one of the groups at the demonstration and supporting the views held. Images and social media can be very powerful in conveying and/or distorting actual events. The use of EG's can also assist in relation to civil suits, and PSC complaints. In Metropolitan London they have seen a significant decrease in complaint files because of the presence of EG's because entire events have been captured, as opposed to footage from a mobile phone or similar which may only capture parts of an event. <u>SLIDE 14</u> Control of Weapons Act – Declared Area searches <u>SLIDE 15-20</u>		
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	31(1)(d) - Control of Weapons Act 1990 allows for CCoP to declare an area as either a “planned” or “unplanned” designated area. - CCoP has delegated that power to all Assistant Commissioners of Police (includes Acting A/Commissioners) - Allows a MoPF to exercise limited search powers within that designated area – person/vehicle/thing - Area must be no larger than reasonably necessary to allow effective response to threat of violence or disorder - Duration must be no longer that reasonably necessary and cannot exceed 12 hours - Test for the CCoP is one of “may determine that the likelihood of violence or disorder involving the use of weapons will recur even if that likelihood is <u>less than more likely than not</u>”. Planned - Section 10D allows for the CCoP to declare an area to be a designated area if satisfied that either – - More than one incident of violence or disorder has occurred in that area in previous 12 months involving the use of weapons; or - An event is to be held in that area and incidents of violence or disorder involving weapons have occurred at previous occasions of that event; And		
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File location:

31(1)(d)

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Review date: 11-May-2019
Approved: Superintendent OSD

Page 10 of 15

OFFICIAL: Sensitive



ORU – Evidence Gathering Teams (EGT) Course Session Plan

	• There is a likelihood that the violence or disorder will recur. • Cannot have a subsequent “planned” in the same location until 10 days have elapsed from the end of the period. Unplanned • Section 10E allows for the CCoP to declare in writing an area to be a designated area if satisfied that – • There is a likelihood that violence or disorder involving weapons will occur in that area during the period of intended operation; and • It is necessary to designate the area for the purpose of enabling police officers to exercise search powers to prevent or deter the occurrence of violence or disorder involving weapons. • Nil restriction on frequency of “unplanned” provided grounds exist. Powers • s10G – A MoPF may, without warrant, stop and search a person or thing under their control for weapons, if the person/thing is in a public place within the designated area • Search must be the least invasive search that is practicable in the circumstances. • Schedule 1 states search may be done initially by a electronic metal		
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	detection device, may include requesting person to turn out pockets/bag etc, pat down area of pockets. • If as a result of an initial wand or pocket pat down search, MoPF considers that the person may be concealing a weapon, a MoPF may conduct a further search – pat down of all outer clothing/removal of outer layer etc. MoPF Obligations • Charter of Human Rights and Responsibilities Act 2006 applies. • Search subjects must be selected at random • s10I requires MoPF to advise intended subject that he/she intends to search the person, and that they are authorised to do so. • Must give/offer the subject a search notice that advised • that the subject is within a public place within a designated area, and • that a declaration is in force under s10D or s10E, and • MoPF are empowered to search the person/thing • Offence to obstruct or hinder the search. • Must provide name, rank and place of normal duty if asked by the subject (in writing if asked) • No power to require name and address of subject unless an offence is detected • If subject refuses to allow a search – consider obstruct/hinder provisions. • Must not detain a subject for a period longer than reasonably necessary to conduct a search of person/thing • CCoP must report to Minster number of searches conducted under		
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	s10G <u>SLIDE 21-22</u> Major Sporting Events Act 2009 Trainers should discuss how EG teams have the potential for deployment to events that fall under the MSEA and how this differs from events not covered by the MSEA. Different offences and directions to leave should be covered by trainers and expectations of learners attending MSEA events should be discussed. What is the MSEA? Major sporting events provide Victorians with great spectator opportunities and make a significant contribution to the Victorian economy. The Major Sporting Events Act 2009 (refer Legislation Victoria at www.legislation.vic.gov.au) provides legislative protections to event organisers and to the public to assist with the safe and efficient staging of these events. The Act may be applied to a major sporting event to: • enhance crowd management by police and authorised officers, increasing the safety and comfort of spectators • allow events to be protected from ambush advertising on buildings and ambush aerial advertising • protect event logos, images and references • provide protection from unauthorised broadcasting • provide for the control and management of event venues and event areas • ensure that the sale and distribution of tickets is in accordance with an		
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Page 13 of 15

OFFICIAL: Sensitive



ORU – Evidence Gathering Teams (EGT) Course Session Plan

	approved ticket scheme. Video 2 – Flares lit on the steps of Southern Cross. Trainers should emphasise the location of this event and how this didn't fall within the Major Sporting Events Act 2009 because it wasn't on the concourse of Etihad Stadium. Although it was a match day the location of where the offence occurred specific events covered by the MSEA didn't apply. Video 3 – Flares lit inside Etihad Stadium. Trainers should discuss the event and any safety concerns throughout this. Proximity of Police to possible offenders, existing CCTV and MSEA should all be covered. <u>SLIDE 23</u> Further reading Trainers will talk about how learners could enhance further learning opportunities.		
	Conclusion The trainer is to conduct a knowledge check with the learners to satisfy themselves all the learning outcomes have been met. Suggested questions could be; - What does ANT stand for? - Has your knowledge of the Human Rights Charter increased? - How many charter rights are there?		5 mins

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Page 14 of 15

OFFICIAL: Sensitive



ORU – Evidence Gathering Teams (EGT) Course Session Plan

	THANK THE LEARNERS FOR THEIR ATTENTION AND EFFORTS. GIVE THEM INFORMATION ON THE NEXT SESSION IN THE SEQUENCE.		
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Page 15 of 15

OFFICIAL: Sensitive